Application No.: 09/821,428 **Docket No.: JCLA5383**

AMENDMENT

In The Drawings:

Please substitute the attached clean drawing of Fig. 5 for the pending drawing of Fig. 5.

The amended portion is the replacement of the term "FREE" for the term "FRRE".

REMARKS

Present Status of the Application

The drawing (FIG. 5) is objected to because of typographical errors. The Office Action rejected claims 1 and 11 under 35 U.S.C. 103(a) as being unpatentable over Kozaki (U.S. 5,838,677) in view of Singh (U.S. 6,625,159). The Office Action further rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over Kazaki in view of Singh in further view of Chiou (U.S. 6,577,625). The Office also objected claims 2-10, 12-15 and 17-20 as being dependent upon a rejected base claim. Applicants have amended the drawing to overcome the objection. After entry of the foregoing amendments, claims 1-20 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of objections and rejections

The Office Action rejected claims 1 and 11 under 35 U.S.C. 103(a), as being unpatentable over Kozaki (U.S. 5,838,677) in view of Singh (U.S. 6,625,159). Applicants respectfully traverse the rejections for at least the reasons set forth below.

Kozaki in view of Singh does not disclose, teach or suggest the technique feature of "...control the number of free buffering units **in response to the number of reserved buffering units** reserved for the output queue." as claimed in claim 1 and the like as claimed in claim 11. Although the Office Action asserted that Kozaki teaches this technique feature in column 5, lines 24-48, the fact is Kozaki controls the congestion mode in response to the *total cell (packet)*

number in one of the queues. Because there is no stable relationship between total cell number and the number of reserved buffering units, i.e., an output queue with less reserved buffering units does not necessary with greater total cell number, Kozaki obviously does not teach the technique feature of "...control the number of free buffering units **in response to the number of reserved buffering units** reserved for the output queue." as claimed in claim 1 and the like as claimed in claim 11. Accordingly, combination of Kozaki and Singh does not render claims 1 and 11 obvious.

Accordingly, claims 1 and 11 are patentable over Kozaki in view of Singh and therefore should be patentable.

Accordingly, claims 2-10 and 12-20 are patentable over Kozaki in view of Singh as a matter of law since their dependent claims 1 and 11 are patentable over the cited references.

For at least the same reasons, claim 16 is patentable over Kozaki in view of Singh and in further view of Chiou since combination of the cited references does not disclose, teach or suggest the technique feature of "... controlling free buffering units **according to a number of reserved buffering units** reserved for the output queue and a triggering or a terminating condition of the source port." as claimed in claim 11, which is depended by claim 16. Accordingly, claim 16 is patentable over Kozaki in view of Singh and in further view of Chiou.

For at least the foregoing reasons, Applicant respectfully submits that the independent claims 1 and 11 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-10 and 12-20 patently define over the prior art as well.

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-20 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
J.C. PATENTS

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Annotated Marked-up drawing

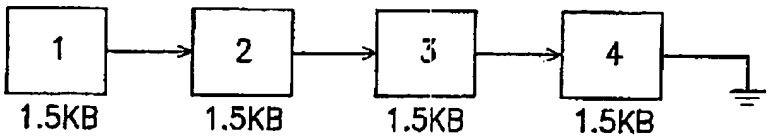

FIG. 3

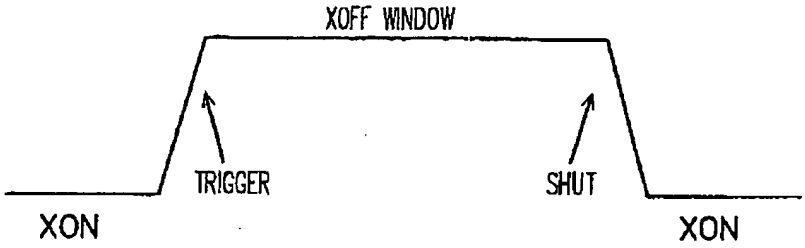

FIG. 4

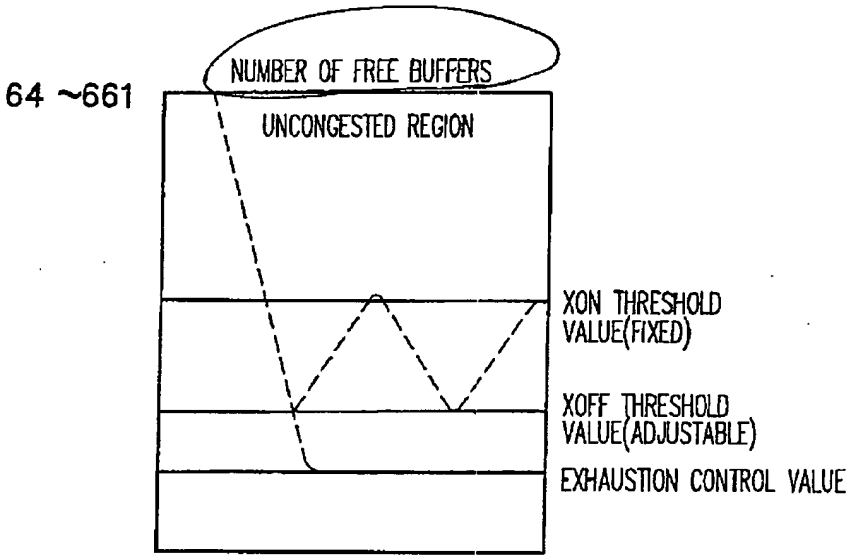

FIG. 5